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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/974,179 11/19/97 LI

M 129249-2

EXAMINER

QM32/0706

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ART UNIT

PAPER NUMBER

3724

DATE MAILED:

07/06/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/974,179

Applicant(s)  
Li et al.

Examiner  
Clark F. Dexter

Group Art Unit  
3724



☒ Responsive to communication(s) filed on Apr 14, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) 6-9 and 18-45 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 10-12, and 17 is/are rejected.

☒ Claim(s) 2-5 and 13-16 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. The amendment filed April 14, 2000 has been entered. Upon careful review, the indicated allowability of the specified claims is withdrawn in view of the reference to Kravets. Rejections based on the reference follow. Accordingly, this Office action is being made **non-final**. Any inconvenience caused by this Office action is regretted.

#### ***Drawings***

2. The drawings are objected to because upon further review, the workpiece is shown as being supported horizontally as in the prior art (Fig. 1) rather than at an angle as in the present invention (Figs. 2 and 3), and since it seems that it is the present invention which is intended to be illustrated, this figure appears to be inaccurate. Correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 10-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kravets.

Kravets discloses a cutting device which performs every step of the claimed method including securing a metal sheet at a cutting angle of at least about 10 degrees measured as claimed, and trimming the metal sheet, wherein the metal sheet is secured between a die (e.g., 22, 24) and a pad (e.g., 32). Kravets lacks the metal sheet being aluminum. However, it would have been obvious to one having ordinary skill in the art to cut a sheet of aluminum using the device of Kravets for the benefits taught thereby including providing a smooth sheared finish. It is noted that although the cutting edge radius of Kravets is not disclosed, the Examiner takes Official notice that cutting edges having a radius less than 0.75 mm (which meets the claim) are old and well known in the art.

Regarding claim 1, Kravets further discloses a cutting blade clearance in the broad sense in that there is sufficient clearance for the cutting blade to pass. Further, regarding claim 12, to provide a cutting angle of about 15 degrees to about 25 degrees would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art (e.g., for cutting aluminum) by routine experimentation and therefore obvious to one of ordinary skill in the art.

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*Allowable Subject Matter*

5. Claims 2-5 and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfid  
June 29, 2000